

**STATE COASTAL CONSERVANCY**  
**PUBLIC MEETING MINUTES**  
*Temescal Gateway Park – Stewart Hall*  
*Pacific Palisades, CA*  
*Thursday, October 21, 2010*

**MEMBERS PRESENT**

Doug Bosco, Chair (Public Member)  
Ann Notthoff (Public Member)  
Bryan Cash (Designated Representative, Natural Resources Agency)  
Susan Hansch (Designated Representative, Coastal Commission)  
Karen Finn (Designated Representative, Department of Finance)

**OVERSIGHT MEMBERS PRESENT**

No oversight members present

**OTHERS PRESENT**

Sam Schuchat, Executive Officer  
Jack Judkins, Legal Counsel

**1. ROLL CALL**

**2. APPROVAL OF MINUTES**

Moved and seconded. The minutes of the Conservancy August 5, 2010 public meeting were approved by a vote of 5-0 without change.

**3. CONSENT**

**A. WILD CHERRY CANYON - Item was removed from the Agenda**

**B. S F BAY WETLANDS MONITORING**

Resolution:

“The State Coastal Conservancy (the “Conservancy”) hereby authorizes disbursement of an amount not to exceed \$100,000 (one hundred thousand dollars) to Point Reyes Bird Observatory to model ecological changes to San Francisco Bay wetland habitats based on a range of sea level rise and salinity change projections due to climate change and develop recommendations of high priority sites for wetland restoration and conservation in light of

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the predictions. Prior to the disbursement of funds, Point Reyes Bird Observatory shall submit for the review and approval of the Executive Officer of the Conservancy, a work program, including project schedule and budget, and the names of any contractors or consultants to be employed on the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

The proposed project is consistent with the current Project Selection Criteria and Guidelines.

The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding the San Francisco Bay Area Conservancy Program.

Point Reyes Bird Observatory is a nonprofit organization existing under the provisions of section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

**C. ARCATA FOREST TRAIL**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to one hundred thousand dollars (\$100,000) to the City of Arcata (“the City”) for acquisition of approximately 16.3 acres of forested land (APN 507-081-032 and 507-081-034) for the purposes of providing public access, preventing fragmentation of forestlands; preserving open space; and protecting water quality and salmonid habitat and a 60'-wide right-of-way easement over the neighboring parcel (APN 057-041-001) for non-motorized public access. This authorization is subject to the following conditions:

1. Prior to the disbursement of Conservancy funds for acquisition, the City shall submit for the review and approval of the Executive Officer of the Conservancy (“the Executive Officer”):
  - a. All relevant acquisition documents, including but not limited to an appraisal, environmental assessments, agreement of purchase and sale, easements, escrow instructions, and documents related to title.
  - b. Evidence that the City has obtained all funds necessary to complete the acquisition.
2. The City shall pay no more than fair market value for the properties as established in an appraisal approved by the Executive Officer.
3. The City shall permanently dedicate the properties in a manner acceptable to the Executive Officer for the purposes of providing public access; preserving open space; and protecting and enhancing water quality and salmonid habitat, as appropriate.
4. The City shall acknowledge Conservancy funding by erecting and maintaining on the property a sign that has been reviewed and approved by the Executive Officer.

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5. The City shall amend the public access component of its existing forest management and non-industrial timber management plans to include the property, and submit these amended plans for approval by the Executive Officer within a reasonable time after acquiring the property, but no later than December 31, 2011. The plans shall be updated periodically, and the updates submitted for approval by the Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding a system of public accessways.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.”
3. The proposed project serves greater than local needs.”

**D. SAN GERONIMO CREEK WATERSHED**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed ninety-eight thousand three hundred thirty-five dollars (\$98,335) to the County of Marin (“County”) to provide technical assistance in salmon habitat enhancement planning to landowners in the San Geronimo Creek watershed, subject to the condition that, prior to disbursement of any funds, the County shall submit for the review and approval of the Executive Officer of the Conservancy a work plan, including a schedule and detailed budget, and the names and qualifications of any contractors to be employed for provision of said technical assistance.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines;
2. The proposed authorization is consistent with the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code, regarding enhancement of coastal resources; and
3. The proposed project area has been identified in the certified Local Coastal Plan of Marin as requiring public action to resolve existing or potential resource protection problems.”

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**E. NAPA RIVER SALT MARSH**

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to seventy-five thousand dollars (\$75,000) to support the design, permitting, and other work associated with implementation of the Napa River Salt Marsh Restoration Project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the Conservancy’s current Project Selection Criteria and Guidelines.
2. The proposed project is consistent with Chapter 4.5 of Division 21 of the California Public Resources Code (Sections 31160-31165) regarding the Conservancy’s mandate to address the resource and recreation goals of the San Francisco Bay Area.”

**F. FRESHWATER NATURE TRAIL**

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed fifty thousand dollars (\$50,000) to the Northcoast Regional Land Trust (“NRLT”) for the purpose of designing and preparing permit applications for a publicly-accessible interpretive trail and associated amenities at the Freshwater Farms Reserve in Humboldt County subject to the condition that prior to the disbursement of funds NRLT shall submit for review and approval by the Executive Officer of the Conservancy a workplan, budget and schedule, and the names and qualifications of any contractors.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding a System of Public Accessways.
3. The Northcoast Regional Land Trust is a non-profit organization existing under section 501(c) (3) of the Internal Revenue Service whose purposes are consistent with Division 21 of the Public Resources Code.”

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**G. MENDOCINO COAST BOTANICAL GARDENS**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to thirty-five thousand five hundred dollars (\$35,500) to the Mendocino Coast Botanical Gardens Preservation Corporation (MCBG) to design modifications to portions of its trail system to meet Americans with Disabilities Act access standards. Prior to disbursement of funds MCBG shall submit for Executive Officer review and approval a workplan, schedule and budget and the names and qualifications of any subcontractors.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding a system of public accessways.
3. MCBG is an organization existing under Section 501(c)(3) of the Internal Revenue Service Code and whose purposes are consistent with Division 21 of the Public Resources Code.”

**H. ORANGE COUNTY KELP RESTORATION PROJECT**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed \$25,000 (twenty five thousand dollars) to Get Inspired! to conduct kelp restoration in Orange County. This authorization is subject to the condition that, prior to the disbursement of any funds, Get Inspired! shall submit for the review and written approval of the Conservancy’s Executive Officer a work program, budget, schedule, and the names of any contractors to be employed in carrying out the work.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270) regarding enhancement of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines.

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3. Get Inspired! is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code and whose purposes are consistent with Division 21 of the Public Resources Code.”

**I. BATTERY POINT LIGHTHOUSE**

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred thousand dollars (\$100,000) to the County of Del Norte (“the County”) to complete Battery Point Lighthouse enhancements to ensure continued public access to the lighthouse building, island grounds and trail in Crescent City, Del Norte County. Prior to the disbursement of funds, the County shall submit for the written approval of the Conservancy’s Executive Officer a work program and budget for the project, and the names and qualifications of all contractors to be used on the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines most recently updated by the Conservancy on June 4, 2009.
3. The project will serve greater than local needs.”

**J. SALT RIVER ECOSYSTEM RESTORATION PROJECT**

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three-hundred thousand dollars (\$300,000) to the Humboldt County Resource Conservation District (“RCD”) for the purpose of developing final designs for the Salt River Ecosystem Restoration Project subject to the condition that prior to the disbursement of funds, the RCD shall submit for the review and approval of the Executive Officer a workplan, including budget and schedule, and the names and qualifications of any subcontractors to be employed on the project.

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.

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2. The proposed authorization is consistent with the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code, regarding enhancement of coastal resources;
3. The project area has been identified in the Humboldt County local coast program as requiring public actions to resolve existing or potential resource protection problems."

Approval of Consent items B-J was moved and seconded. Approved by a vote of 5-0.

**K. HAMILTON WETLANDS RESTORATION PROJECT**

Resolution:

"The State Coastal Conservancy hereby:

Approves the revision of the Hamilton Wetlands Restoration Project ("HWRP") in Novato, Marin County to include conversion of a former water treatment building near the project site to a native plant nursery to grow plants for the seasonal wetland and upland areas of the project site, and certifies the addendum to the Environmental Impact Report/Environmental Impact Statement for the HWRP."

Findings:

"Based on the accompanying staff report and attached exhibit, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on June 4, 2009.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding restoration and enhancement of natural habitats in the San Francisco Bay Area and public access improvements to and around the Bay, and with Chapter 6 of Division 21, concerning the enhancement of coastal and bay resources.
3. The Conservancy has reviewed the addendum, which has been completed in compliance with the California Environmental Quality Act ("CEQA") and reflects the Conservancy's independent judgment and analysis, and concluded that the proposed modification of the HWRP will not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects."

At the request of Member Brian Cash, this item was removed from the consent calendar for discussion of the comparative costs of purchasing plants versus converting a building to grow plants. After the discussion, consent item 3K was moved and seconded and approved by a vote of 5-0.

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**4. EXECUTIVE OFFICER REPORT**

Sam Schuchat, the Executive Officer, announced the retirement of Chief Deputy Executive Officer Neal Fishman after 30 years of work with the Conservancy and with the Ocean Protection Council. Mr. Schuchat invited the Conservancy members to a retirement party on November 5, 2010. Mr. Schuchat also notified the Conservancy of the retirement of Maxene Spellman, a project manager with the Conservancy's San Francisco Bay Conservancy Program for 17 years. Mr. Schuchat brought to the Conservancy's attention a web-site for the Los Angeles Urban Rangers, which contains a wealth of information about hiking, camping, and other outdoor activities in Los Angeles County, including beach access.

- A. Mr. Schuchat reported that the Ocean Protection Council (OPC) held their last meeting during the California World Oceans Conference held on Sept. 7. The OPC reviewed the 5 year program evaluation and approved the Strategic Plan. A report was provided to the OPC on the status of seafloor mapping along the coast of California. The next OPC meeting is scheduled for November 29, 2010, in Sacramento.
- B. Conservancy adoption of proposed Conservancy meeting dates for 2011 was moved and seconded and approved with a 5-0 vote. Mr. Schuchat indicated the Conservancy may not meet on all six dates that have been proposed, depending on bond sales and budget cuts. Currently, the Conservancy is understaffed and there is a hiring and promotion freeze.
- C. Mr. Schuchat read the proposed "Resolution of Appreciation" for Deputy Attorney General Pat Peterson who will be retiring at the end of this year after 27 years of service. Adoption of the resolution was moved and seconded and approved by a 5-0 vote. The resolution will be signed and framed for presentation to Ms. Peterson in November 2010.
- D. Deborah Ruddock of the Coastal Conservancy gave a Legislative Report. (Attached to the minutes)

**SOUTH COAST**

**5. SANTA CLARA RIVER PARKWAY**

Peter Brand of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed four million dollars (\$4,000,000) for the acquisition of properties (Ventura County Assessor's Parcel Nos. 138-0-060-47; 138-0-060-065, -585, and-100; 138-0-060-365; 138-0-211-04) to The Nature Conservancy to implement the Santa Clara River Parkway project, as shown in Exhibits 1, 2 and 3 of the accompanying staff recommendation, subject to the following conditions:

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1. Prior to the disbursement of funds for each acquisition, the Conservancy's Executive Officer shall review and approve all title and acquisition documents including but not limited to the appraisal, agreement of purchase and sale, escrow instructions and documents of title pertaining to that acquisition.
2. The Nature Conservancy shall pay no more than fair market value for any property acquired pursuant to this authorization, as established by an appraisal approved by the Conservancy's Executive Officer.
3. All property interests acquired with these funds shall be permanently protected for public access, open space and habitat conservation in a manner acceptable to the Conservancy's Executive Officer and consistent with the Santa Clara River Parkway Conceptual Enhancement Plan and Public Resources Code Section 31116(b)."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with and will help to carry out the Santa Clara River Conceptual Enhancement Plan (Exhibit 3) approved by the Conservancy on October 26, 2000, pursuant to Chapter 6 of the Division 21 of the Public Resources Code (Sections 31251-31270) and remains consistent with the October 26, 2000 authorization regarding enhancement of coastal resources and local coastal program policies.
2. The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines last updated by the Conservancy on June 4, 2009.
3. The Nature Conservancy is a private, nonprofit organization existing under the provisions of Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code."

Moved and seconded. Approved by a vote of 5-0.

**6. MALIBU ROAD ACCESSWAY**

Joan Cardellino of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the staff recommendation: Michael Klubock, Malibu Foundation  
Resolution:

"The State Coastal Conservancy hereby:

1. Modifies its prior authorization of June 4, 2009 by:
  - a. Approving the Implementation Plan, as revised October 2010 (attached as Exhibit 2 to the accompanying staff recommendation), for the Malibu Road Beach Accessway Property (the real property), located at 24038 Malibu Road, Malibu (Los Angeles

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County Assessor's Parcel Number 4458-009-900), acquired by the Conservancy through acceptance of an offer to dedicate.

- b. Directing the Executive Officer to take all steps necessary to transfer jurisdiction of the real property to the Santa Monica Mountains Conservancy (SMMC), another state agency, under the terms and requirements of the Implementation Plan, as revised October 2010, for the real property.
2. Authorizes disbursement of up to \$994,000 (nine hundred ninety-four thousand dollars) to the Mountains Recreation and Conservation Authority (MRCA) to construct a public access beach stairway (depicted in Exhibit 3 to the accompanying staff recommendation) on the real property, subject to the following conditions:
  - a. Prior to disbursement of any funds, MRCA shall submit for the review and approval of the Executive Officer:
    - i. An agreement between MRCA and SMMC authorizing MRCA to construct the stairway and manage the real property on behalf of SMMC.
    - ii. A work program for the construction of the public access beach stairway, including schedule and budget.
    - iii. The names of any contractors MRCA intends to use to complete the project.
  - b. In carrying out the construction, MRCA shall comply with all applicable mitigation and monitoring measures that are identified in the 'Initial Study/Mitigated Negative Declaration' adopted by the Conservancy on August 8, 2002."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project remains consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization remains consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding public access.
3. The Conservancy has independently reviewed and considered the *Addendum, Mountains Recreation and Conservation Authority, Malibu Road Beach Accessway, September 2010* ("Addendum"), attached to the accompanying staff recommendation as Exhibit 7, and finds that the new information regarding greenhouse gas emissions associated with the proposed project may be appropriately addressed in an addendum under the California Environmental Quality Act (CEQA), because there is no substantial evidence that the project's greenhouse gas emissions will give rise to new or significant environmental effects not previously considered in the 'Initial Study/Mitigated Negative Declaration' (the "Mitigated Negative Declaration"), previously adopted by the Conservancy on August 8, 2002; or a substantial increase in the severity of the significant effects previously identified in the Mitigated Negative Declaration. As detailed in the Addendum, neither the project construction activities nor the increased traffic associated

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with the use of the accessway, once constructed, are expected to create greenhouse gas emissions that are significant.”

Moved and seconded. Approved by a vote of 5-0.

**7. COLORADO LAGOON - ITEM 7 WAS REMOVED FROM THE AGENDA**

**8. PALOS VERDES PENINSULA COASTAL TRAIL**

David Hayes of the Coastal Conservancy presented the Staff Recommendation

Speaking in favor of the staff recommendation: Ara Mihranian, Assistant Planning Director, Palos Verdes Peninsula Land Conservancy and Andrea Vona, Executive Director, Palos Verdes Peninsula Land Conservancy in attendance to respond to any questions the Conservancy might have.

Resolution:

“The Coastal Conservancy hereby authorizes an amount not to exceed five hundred thousand dollars to the City of Rancho Palos Verdes (RPV) to construct approximately nine miles of the California Coastal Trail located within the City of Rancho Palos Verdes, subject to the following conditions:

1. Prior to the disbursement of funds for construction, RPV shall submit for the review and approval of the Executive Officer of the Conservancy:
  - a. Evidence that RPV has obtained all necessary permits and approvals.
  - b. A final work plan (including the names of any contractors to be used in the completion of the project), and a project schedule and project budget.
  - c. A copy of an agreement between the City of Rancho Palos Verdes and the Palos Verdes Peninsula Land Conservancy sufficient to allow the PVPLC to build, operate and maintain the project for a period of no less than twenty years and which preserves the public’s right to access the project area in perpetuity.
2. City of Rancho Palos Verdes, in coordination with the Palos Verdes Peninsula Land Conservancy, shall install and maintain sign(s), including interpretive panels, on the project site, the design, number and placement of which has been approved by the Executive Officer, acknowledging Conservancy funding participation and identifying the project as a segment of the California Coastal Trail.”
3. To the extent appropriate, City of Rancho Palos Verdes shall ensure that the final designs of project are consistent with the Conservancy’s ‘Standards and Recommendations for Accessway Location and Development’ and with all applicable federal and state statutes, regulations and guidelines governing barrier-free access for persons with disabilities.

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Findings:

“Based on the accompanying staff report and attached exhibits, the Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding coastal access.
3. The proposed project will serve greater than local needs.”

Moved and seconded. Approved by a vote of 5-0.

**9. CRYSTAL COVE BEACHES COTTAGE RESTORATION**

Greg Gauthier of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the staff recommendation: Dan Gee, Crystal Cove Alliance.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed four hundred thousand dollars (\$400,000) to the Crystal Cove Alliance to assist with restoration of the Crystal Cove Historic District Beaches Cottage at Crystal Cove State Park, Orange County, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for construction, the Crystal Cove Alliance shall submit for the review and approval of the Executive Officer of the Conservancy:
  - a. Evidence that the Crystal Cove Alliance and/or California Department of Parks and Recreation has obtained all necessary permits and approvals and adequate funding to complete the project.
  - b. A detailed, final work plan, a project schedule and budget.
  - c. The names and qualifications of any contractors to be used in the completion of the project.
2. The Crystal Cove Alliance and California Department of Parks and Recreation shall enter into an agreement consistent with Section 31116(c) of the Public Resources Code, to protect the public’s interest in the constructed improvements at the project site.
3. The Crystal Cove Alliance shall install and maintain signs on the project site, the design, number and placement of which has been approved by the Conservancy’s Executive Officer, acknowledging Conservancy funding participation.

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4. The Crystal Cove Alliance shall fully repay four hundred thousand dollars (\$400,000) to the Conservancy on terms satisfactory to the Executive Officer.
5. The Crystal Cove Alliance shall provide security to the Conservancy in a form and amount deemed adequate by the Executive Officer to secure repayment of the four hundred thousand dollars (\$400,000) to the Conservancy.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Section 31119 and Sections 31400 *et seq* of Division 21 of the Public Resources Code.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines last updated by the Conservancy on June 4, 2009.
3. The proposed project will serve greater than local needs.
4. The Conservancy has independently reviewed the Crystal Cove Historic District Preservation and Public Use Plan Final Environmental Impact Report, adopted by the California Department of Parks and Recreation on February 25, 2003, attached to the accompanying staff recommendation as Exhibit 4, and finds that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.
5. The Crystal Cove Alliance is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code.”

Moved and seconded. Approved by a vote of 5-0.

**22. PUBLIC COMMENT**

Chair Bosco asked for public comment at this time.

Lisa Pollack, representing Malibu-Encinal Homeowners Association, expressed her hope that the Conservancy would assist in settlement of litigation regarding public access to Lechuza Beach before November. She also thanked Mary Small for a very good tour of Malibu and the Lechuza Beach area.

**10. NELSON SLOAN QUARRY**

Joan Cardellino of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

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“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed two hundred fifty thousand dollars (\$250,000) to the City of San Diego to prepare a plan and environmental compliance documents for reclamation of the Nelson Sloan Quarry for open space and habitat purposes in the Tijuana River Valley. Prior to disbursement of Conservancy funds, the City of San Diego shall submit for the review and written approval of the Conservancy’s Executive Officer:

1. A detailed work program, including budget and schedule;
2. The names and qualifications of any contractors to be employed on the project;
3. Evidence that additional funds necessary to complete the project have been secured.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 5.5 of Division 21 of the Public Resources Code, regarding integrated coastal and marine resources protection.”

Moved and seconded. Approved by a vote of 5-0

## **11. LAGUNA CANYON**

Deborah Ruddock of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred twenty-six thousand dollars (\$126,000) to the Laguna Canyon Foundation for pre-project expenses associated with future acquisition of property interests in the South Coast Wilderness system of parks and preserves in Orange County.

Prior to disbursement of funds, the Conservancy’s Executive Officer shall review and approve in writing a final work program, including a final budget and schedule, and the names of any contractors that the grantee proposes to employ for the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

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1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding public access to and along the coast.
3. The Laguna Canyon Foundation is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Approved by a vote of 5-0.

**12. NOYO CENTER FOR SCIENCE AND EDUCATION**

Joel Gerwein of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to the City of Fort Bragg (“City”) of up to \$500,000 (five hundred thousand dollars) for acquisition costs and for the acquisition of approximately 12 acres of the Georgia-Pacific former mill site property in Fort Bragg, Mendocino County (portions of Mendocino County Assessor’s Parcel Numbers 018-430-01 and 008-020-09, as depicted on Exhibit 2 to the accompanying staff recommendation) for the purposes of open space, public access and passive recreation and marine education and research. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds:
  - a. The Executive Officer of the Conservancy (“Executive Officer”) shall review and approve all relevant acquisition documents, not limited to an appraisal, environmental assessments, agreement of purchase and sale, escrow instructions, and title documents.
  - b. The City shall provide to the Executive Officer documentation that all funds necessary to complete the acquisition of the property for the Noyo Center for Science and Education (the “Noyo Center”) are available.
  - c. Sonoma State University and the City shall have entered into a memorandum of understanding acceptable to the Executive Officer providing for the future operation and maintenance of the Noyo Center.
  - d. The Department of Toxic Substances Control, or other appropriate lead agency for site remediation, shall have indicated in writing that the property has been remediated to standards adequate to at least support the “highest and best use” as established by the approved appraisal, and appropriate for the intended use of the property.
  - e. The City, the Fort Bragg Redevelopment Agency (“the Agency”), and the Conservancy shall enter into an agreement by which the Agency agrees to repay the principal amount of funds disbursed under this authorization as specified in condition

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- no. 4, below, and acknowledges that the repayment obligation is an indebtedness of the Agency for which the Agency has pledged tax increment.
2. The City shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
  3. The City shall permanently dedicate the property for open space, public access and passive recreation, and marine education and research in a manner acceptable to the Executive Officer.
  4. The City shall repay to the Conservancy the principal amount of all funds disbursed to it under this authorization, without interest, as follows:
    - a. If, after the acquisition of the property, the City receives any funds that are designated for the acquisition of the property, the City shall promptly pay the Conservancy in the amount of those funds.
    - b. If the City has not repaid the total amount of funds disbursed under this authorization by June 30, 2013, the Agency shall make annual payments to the Conservancy in the amount of at least one hundred twenty five thousand dollars (\$125,000) from tax increment until the Agency has repaid the Conservancy in full. Each annual payment shall be made no later than June 30 of each year, commencing with a payment on June 30, 2013.
  5. The City shall acknowledge Conservancy funding, by erecting and maintaining signs on the property, the number, design and location of which have been reviewed and approved by the Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapters 7 and 9 of Division 21 of the Public Resources Code, regarding the restoration of urban waterfronts and the development of a system of public accessways to and along the state’s coastline.
3. Public access and research facilities along the Fort Bragg waterfront at this location would serve greater than local public needs.

The Conservancy has independently reviewed and considered the Mitigated Negative Declaration for the Noyo Center project, attached to the accompanying staff recommendation as Exhibit 4, and finds that the project, as mitigated, avoids, reduces or mitigates the possible significant environmental effects and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

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Member Karen Finn raised a concern about the availability Proposition 84 funding for this reimbursable grant project and Conservancy staff agreed that alternative funds would be used, if Proposition 84 funds are not made available by the State Treasurer's Office. Moved and seconded. Approved by a vote of 5-0.

**13. JUGHANDLE CREEK FARM AND NATURE CENTER**

Joel Gerwein of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed \$275,000 (two hundred seventy five thousand dollars) to the Jughandle Creek Farm and Nature Center (JCFNC) to prepare architectural programs, schematic designs and construction cost estimates for additional educational and lodging facilities and an improved trail system at the nature center, subject to the following condition: prior to the disbursement of funds, the grantee shall submit for the review of the Executive Officer of the Conservancy a work program, including a budget and project schedule and the names and qualifications of any contractor to be retained by JCFNC to undertake work on the project.

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Section 31119 (Chapter 3) of Division 21 of the Public Resources Code, regarding educational projects.
3. JCFNC is an organization existing under Section 501(c)(3) of the Internal Revenue Service code whose purposes are consistent with Division 21 of the Public Resources Code."

Moved and seconded. Approved by a vote of 5-0.

**SAN FRANCISCO BAY AREA**

**14. WILDLAKE RANCH**

Amy Hutzler of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the staff recommendation: John Hoffnagle, Land Trust of Napa County.

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Resolution:

“The State Coastal Conservancy hereby modifies its April 27, 2006 authorization to disburse up to \$2,000,000 (two million dollars) to the Land Trust of Napa County (the Land Trust) toward acquisition of Wildlake Ranch in Napa County by adding the following additional conditions:

1. Notwithstanding the repayment provisions of Condition No. 5, above, the Conservancy, through its Executive Officer, may agree in its sole discretion to waive repayment of up to the total amount disbursed pursuant to this authorization, upon request by the Land Trust, and upon demonstration by the Land Trust to the satisfaction of the Executive Officer that it has deposited at least \$2,000,000 (two million dollars) into a secure, interest-bearing account to be held in trust and to be used solely for the purposes of stewardship and management of the habitat and natural resource values of Wildlake Ranch or for development and operation of public access facilities compatible with those values.
2. In coordination with the Napa County Regional Park and Open Space District and other interested parties, the Land Trust will make a good faith effort to open Wildlake Ranch for public access that is compatible with protecting habitat and natural resources and with deed restrictions no later than June 30, 2013.
3. The Land Trust will submit a written monitoring report to the Executive Officer every five years, commencing December 31, 2011, identifying the conditions and circumstances of Wildlake Ranch as relevant to the purposes of habitat preservation and restoration, protection of natural areas, and, to the extent compatible, public access and nature study and as compared to the conditions and circumstances described in the Land Trust’s Baseline Report for Wildlake Ranch approved by the Executive Officer in October 2010.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The project, as modified, remains consistent with the current Project Selection Criteria and Guidelines.
2. The project, as modified, remains consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code.”

Moved and seconded. Approved by a vote of 5-0.

**15. BAY AREA ECOSYSTEMS CLIMATE CHANGE CONSORTIUM**

Matt Gerhart of the Coastal Conservancy presented the Staff Recommendation.

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Resolution:

“The State Coastal Conservancy (“Conservancy”) hereby authorizes acceptance of three hundred fifty seven thousand dollars (\$357,000) from the Gordon and Betty Moore Foundation, and disbursement of up to this amount plus an additional three hundred thousand dollars (\$300,000) to further the development by the Bay Area Ecosystems Climate Change Consortium (“Consortium”) of climate change research priorities, adaptation practices and pilot projects. The Conservancy further authorizes disbursement of up to one hundred fifty thousand dollars (\$150,000) of this total amount to Point Reyes Bird Observatory (“PRBO”) to coordinate the science review, technical support and mapping efforts of the Consortium. Prior to the disbursement of any Conservancy funds to PRBO:

1. PRBO shall submit for the review and written approval of the Executive Officer a detailed work program, budget and schedule; and the names and qualifications of any contractors and subcontractors that it intends to employ, and
2. The Conservancy shall have received adequate matching funds from the Gordon and Betty Moore Foundation to support PRBO’s work on the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the resource and recreation goals of the San Francisco Bay Area, including the protection, restoration and enhancement of natural habitats and connecting corridors, scenic areas, and other open space resources of regional importance, and the ocean and bay.
3. PRBO is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”

Moved and seconded. Approved by a vote of 5-0.

**16. PETALUMA TRESTLE**

Deborah Hirst of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the staff recommendation: Diane Ramirez, Public Works Department, City of Petaluma.

Resolution:

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“The State Coastal Conservancy hereby authorizes disbursement to the City of Petaluma of an amount not to exceed four hundred seventy-five thousand dollars (\$475,000) to complete analysis, engineered designs and permits for the rehabilitation of the historic trestle on the Petaluma River for public access in downtown Petaluma, Sonoma County. Prior to the disbursement of any Conservancy funds, the City shall submit for review and approval of the Executive Officer of the Conservancy a work program, schedule and budget, and the names and qualifications of any subcontractors that it intends to employ for this planning work.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding the resource and recreational goals of the San Francisco Bay Area, including the improvement of public access through regional and local trails connecting population centers and public facilities.”

Moved and seconded with the amendment that Conservancy staff report to the Conservancy in 18 months regarding the status of the project. Approved as amended by a vote of 4-1.

**17. SONOMA BAYLANDS WETLANDS MONITORING**

Tom Gandesbery of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

The State Coastal Conservancy hereby authorizes disbursement of up to four hundred fifty thousand dollars (\$450,000) to the U.S. Army Corps of Engineers for the Conservancy’s share of post-construction monitoring costs pursuant to the Project Cooperation Agreement for the Sonoma Baylands Wetlands Restoration Demonstration Project.

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The Project is consistent with the purposes and criteria set forth in Chapter 4.5 (Sections 31160-31165) of Division 21 of the Public Resources Code regarding the enhancement of natural resources of the San Francisco Bay Area; and,
2. The Project is consistent with the Selection Criteria and Guidelines last updated on June 4, 2009.”

Moved and seconded. Approved by a vote of 5-0.

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**18. SONOMA BAYLANDS WETLANDS TRANSFER**

Tom Gandesbery of the Coastal Conservancy presented the Staff Recommendation.

Resolution:

“The State Coastal Conservancy hereby:

1. Adopts the Implementation Plan for Conveyance of the Sonoma Baylands Wetlands Restoration Demonstration Project Site to U.S. Fish and Wildlife Service (Exhibit 3 to the accompanying staff recommendation) to transfer of ownership of the Sonoma Baylands Wetlands Restoration Demonstration Project Site (the “real property”), Sonoma County Assessor’s Parcel Numbers 068-140-002 and 068-140-030, to the U.S. Fish and Wildlife Service (USFWS) for permanent ownership and inclusion into the San Pablo Bay Wildlife National Refuge.
2. Directs the Executive Officer to request that the Director of General Services initiate transfer of ownership of the real property to USFWS pursuant to the Implementation Plan and authorizes the Executive Officer to take all actions necessary to accomplish the transfer of the real property.

Findings:

Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. Transfer of the property is consistent with Sections 31107 and 31107.1 of the Public Resources Code regarding transfer of property and with Chapter 4.5 (Sections 31160-31165) of Division 21 of the Public Resources Code regarding the enhancement of natural resources of the San Francisco Bay Area.
2. The proposed project is consistent with the current Project Selection Criteria and Guidelines.”

Moved and seconded. Approved by a vote of 5-0.

**19. BAY AREA OPEN SPACE COUNCIL**

Matt Gerhart of the Coastal Conservancy presented the Staff Recommendation.

Speaking in favor of the Staff Recommendation: Bettina Ring, Bay Area Open Space Council

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed \$420,000 (four hundred twenty thousand dollars) to the San Francisco Parks Trust (the “Trust”) to assist with development and implementation of the Bay Area Critical Linkages Project; provide training in addressing the Conservancy’s climate change criteria for project consideration; update the Bay Area Protected Areas Database; expand the Transit and Trails web-based tool; provide public information on the Upland Habitat Goals and

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their implementation; identify and develop non-traditional funding sources for Bay Area open space stewardship; and undertake activities--such as conducting workshops and informational meetings and training--to further the natural resource and recreational goals of the San Francisco Bay Area Conservancy Program, with all activities to be undertaken through the Bay Area Open Space Council (the "Council"). Prior to the commencement of work and the disbursement of funds, the Trust and the Council shall submit for the review and written approval of the Executive Officer of the Conservancy a detailed work program, schedule and budget and the names and qualifications of any contractors to be employed in carrying out the project."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and criteria of Chapter 4.5 of Division 21 of the Public Resources Code, regarding (Sections 31160-31165) regarding the San Francisco Bay Area Conservancy Program.
3. The San Francisco Parks Trust is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code."

Moved and seconded. Approved by a vote of 5-0.

**20. GATEWAY PARK**

Amy Hutzel of the Coastal Conservancy presented the Staff recommendation.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred fifty thousand dollars (\$250,000) to the Bay Area Toll Authority (BATA) to prepare a park planning and feasibility study for the future Gateway Park adjacent to the eastern base of the San Francisco-Oakland Bay Bridge, subject to the condition that prior to the disbursement of funds, the BATA shall submit for the written approval of the Conservancy's Executive Officer a work program and budget for the project, and the names and qualifications of all contractors to be used on the project."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.

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2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding the San Francisco Bay Area Conservancy Program.
3. The proposed project is consistent with conditions of the interagency agreement between the San Francisco Bay Conservation and Development Commission (BCDC) and the State Coastal Conservancy regarding the expenditure of mitigation funds from CalTrans for the I-80 Freeway and San Francisco-Oakland Bay Bridge construction projects.”

Moved and seconded. Approved by a vote of 5-0

**21. CONSERVANCY MEMBER COMMENTS**

There were no member comments.

**23. CLOSED SESSION**

The Conservancy met in closed session to discuss the following pending litigation: *Malibu-Encinal Homeowners Association vs. Mountains Recreation and Conservation Authority, et al*, Los Angeles County Superior Court, Case No. BS 431798.

**24. ADJOURNMENT**

The meeting was adjourned at 2:00 pm.

# October 2010 Legislative Report

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## State Coastal Conservancy

### Chaptered

#### **SB 1006 (Pavley D) Natural Resources: climate change: Strategic Growth Council**

##### **Chapter Number 632, Statutes of 2010**

[http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb\\_1001-1050/sb\\_1006\\_bill\\_20100930\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1001-1050/sb_1006_bill_20100930_chaptered.pdf)

SB 1006:

- Adds special districts and joint powers authorities to the list of eligible applicants (cities, counties, non-profit organizations) for urban greening project and planning monies available from the Strategic Growth Council.
- Specifies that an eligible joint powers authority must contain at least one member that individually would qualify as an eligible applicant for the financial assistance.

#### **SB 1034 (Ducheny D) Archaeological resources: restitution**

##### **Chapter Number 635, Statutes of 2010**

[http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb\\_1001-1050/sb\\_1034\\_bill\\_20100930\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1001-1050/sb_1034_bill_20100930_chaptered.pdf)

SB 1034:

- Increases the misdemeanor penalty for knowingly and willfully excavating, removing, destroying, or defacing any historic or prehistoric ruins, burial grounds, archaeological or paleontological site situated on public lands from a fine of up to \$1,000 and/or up to six months in county jail, to a fine of up to \$10,000 and/or up to one year in county jail.
- Adds an appropriation for the restoration and repair of archaeological resources.
- Requires the court to order restitution, unless the court finds compelling reasons not to do so, *to the state agency* with primary jurisdiction over the public lands where the violation occurred.

### Vetoed

#### **SB 503 (Kehoe D) State General Obligation Bond Law: audits**

[http://www.leginfo.ca.gov/cgi-bin/postquery?bill\\_number=sb\\_503&sess=CUR&house=B&author=kehoe](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_503&sess=CUR&house=B&author=kehoe)

SB 503 would have required the Controller to select one or more projects funded by any state general obligation bond act approved on or after January 1, 2010 to be the subject of an audit to be conducted as specified.

## Dead

AB 1818 (Blumenfield D) Santa Monica Mountains Conservancy: Upper Los Angeles River and Watershed Protection Program

[http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_1801-1850/ab\\_1818\\_bill\\_20100419\\_amended\\_asm\\_v96.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1801-1850/ab_1818_bill_20100419_amended_asm_v96.pdf)

AB 2074 (Monning D) Natural Resources: Andrew Molera State Wilderness (Coastal Trail)

[http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_2051-2100/ab\\_2074\\_bill\\_20100218\\_introduced.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2051-2100/ab_2074_bill_20100218_introduced.pdf)

AB 2353 (Logue R) Conservancies: reporting requirements

[http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_2351-2400/ab\\_2353\\_bill\\_20100428\\_amended\\_asm\\_v96.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2351-2400/ab_2353_bill_20100428_amended_asm_v96.pdf)

AB 2465 (Yamada D) Vector control: state agencies

[http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_2451-2500/ab\\_2465\\_bill\\_20100407\\_amended\\_asm\\_v97.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2451-2500/ab_2465_bill_20100407_amended_asm_v97.pdf)

AB 2598 (Brownley D) Tidelands and submerged lands: sea level action plan

[http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_2551-2600/ab\\_2598\\_bill\\_20100715\\_amended\\_sen\\_v95.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2551-2600/ab_2598_bill_20100715_amended_sen_v95.pdf)

SB 1177 (Kehoe D) Agriculture: 22<sup>nd</sup> District Agricultural Association: greenway zone

[http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb\\_1151-1200/sb\\_1177\\_bill\\_20100701\\_amended\\_asm\\_v97.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1151-1200/sb_1177_bill_20100701_amended_asm_v97.pdf)

## Calendar

### 2010

Nov. 2 General election

Dec. 6 2011-12 Regular Session convenes for organizational session

### 2011

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c))

## Links

2010-11 Budget documents

<http://www.ebudget.ca.gov/>

California law (codes)

<http://www.leginfo.ca.gov/calaw.html>

California statutes (chaptered bills)

<http://www.leginfo.ca.gov/statute.html>